

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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RADIANCE, INC.	)	
Plaintiff,	)	
	)	
v.	)	
	)	<b>CIVIL ACTION</b>
TWIN CITY FIRE INSURANCE COMPANY,	)	<b>NO. 1:10-cv-10120-RGS</b>
Defendant.	)	
	)	

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**JOINT STATEMENT AND PROPOSED PRETRIAL SCHEDULE**

Pursuant to Local Rule 16.1, the parties to the above-captioned action hereby submit this Joint Statement and Proposed Pretrial Schedule. Counsel for the parties have conferred and agreed upon this Joint Statement.

**I. PROPOSED DISCOVERY AND MOTION PLANS AND SCHEDULES OF PRETRIAL EVENTS**

As this case concerns the interpretation of an insurance contract, the parties agree that the matter of liability raises issues of law that may be resolved without discovery. As such, both parties' proposed schedules do not designate time for discovery. The parties disagree, however, regarding the appropriateness of mediation in advance of dispositive motions.

**A. PROPOSED SCHEDULE OF PLAINTIFF RADIANCE, INC.**

<u>Event</u>	<u>Completion or Filing Date</u>
Summary Judgment and Other Dispositive Motions Filed and Served	August 1, 2010
Opposition Briefing and Replies	In Accordance with Rules

**B. PROPOSED SCHEDULE OF DEFENDANT TWIN CITY FIRE INSURANCE COMPANY**

<u>Event</u>	<u>Completion or Filing Date</u>
Selection of Mediator	May 14, 2010
Mediation	June 11, 2010
Summary Judgment and Other Dispositive Motions Filed and Served	August 1, 2010
Opposition Briefing and Replies	In Accordance with Rules

The parties agree that following summary judgment, the court should schedule discovery on such issues as may remain.

**II. AGENDA OF ITEMS TO BE DISCUSSED AT CONFERENCE**

There are no additional issues the parties seek to discuss at the scheduling conference.

**III. CERTIFICATIONS OF PARTIES AND COUNSEL PURSUANT TO LOCAL RULE 16.1(D)(3)**

The parties will file their respective certifications complying with Local Rule 16.1(D)(3).

**IV. MAGISTRATE JUDGE**

The parties do not consent to trial by Magistrate Judge.

Dated: April 9, 2010

Respectfully submitted,

RADIANSE, INC. By its attorney, <u>/s/ Jack R. Pirozzolo</u> Jack R. Pirozzolo (BBO No. 400400) Foley Hoag LLP Seaport World Trade Center West 155 Seaport Boulevard Boston, Massachusetts 02210-2600 Telephone: (617) 832-1000 Facsimile: (617) 832-7000	TWIN CITY FIRE INSURANCE COMPANY By its attorneys, <u>/s/ Jonathan Toren</u> Craig E. Stewart (BBO # 480440) Jonathan Toren (BBO # 674779) Edwards Angell Palmer & Dodge, LLP 111 Huntington Avenue Boston, MA 02199-7613 Tel.: (617) 239-0764 Fax: (617) 227-4420
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